Remarks/Arguments:

This amendment does not add or cancel any claims, and is provided to amend claims 1, 20 and 29 only. However, in doing so, no new matter has been added or suggested. Upon entry of this amendment, claims 1-38 will be pending, wherein claims 1 and 20 are independent.

For simplicity, the following comments, arguments and amendments are made in reference to the present application published as U.S. Patent Publication No. 2007/0274291 A1 of Diomelli (hereinafter Diomelli).

Rejections of the Claims under 35 U.S.C. 103

The Examiner has maintained the rejection of claims 1-13, 17-28, 30, 31 and 35-38 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,313,617 of Malik et al. (hereinafter Malik) in view of U.S. Patent No. 6,628,644 of Nelson et al. (hereinafter Nelson).

Specifically, the Examiner points to Malik as disclosing a system and method for initiating, receiving, controlling and managing different types of synchronous and asynchronous communications over LAN, WAN and Internet networks, by providing communications devices and/or terminals for permitting one or more users to transmit and receive synchronous and asynchronous communications, and providing network server and Local Area Network (LAN) infrastructures for transporting data and all the communications between the communications devices and/or terminals, wherein all the communication device's and/or terminal's inbound and outbound communications are initiated, received, controlled and managed by using a program, thereby replacing the use of a traditional telephone switchboard or exchange system of the PBX, PABX, or IPPBX type.

The Examiner points to Nelson as disclosing such a system and method for initiating, receiving, controlling and managing different types of synchronous and asynchronous communications over LAN, WAN and Internet networks, wherein all the communication device's and/or terminal's inbound and outbound communications are initiated, received, controlled and managed by using an *Internet Web Browser* communicating with a web

services section of the *single central processor or network server* providing communications channels, such that the combination of the Malik and Nelson references purportedly render obvious the method as recited by the Applicant in claim 1, and an apparatus for performing such as recited in claim 20.

As noted by the Applicant's earlier response, the Malik reference describes a system and method for the management of communications and information resources of a user. To do so, the system and method provides a resource manager to perform a number of tasks such as controlling participation and tracking of user communications, and maintaining related information such as a message log, directory, calendar, and so forth (see Abstract). Such a communications and information resource (CIR) manager can be implemented in or through the use of a user's personal computer (see col. 2, lines 1-2), and can perform a list of communication related services (see col. 2, lines 60-67 to col. 3, lines 1-6).

The CIR manager of the Malik reference is described as a computer program provided with and executed upon a user's computer (see col. 4, lines 62-67 to col. 5, lines 1-11), that can be linked to a PC, PSTN and/or the Internet (see Fig. 2). Specifically, the CIR manager is described as linked or otherwise in communication with other PCs, PSTN and/or Internet networks (see for example, col. 10, lines 19-45, and Fig. 2). The application program of the CIR manager is described in limited detail at col. 11, lines 64-67 to col. 12, lines 1-6, and col. 14, lines 26-32. One feature of the application program of such a CIR manager is unified messaging (see col. 16, lines 43-46), and data conversions from a native format to a format used by the user (see col. 25, lines 45-50).

However, the system and method of the Malik reference substantially concerns a software (CIR) dedicated to help a *single user* manage all the communications related to the communications devices (both data and voice) owning *only to that user*. In contrast, the Applicant recites the system and method wherein the Communications Devices and/or Terminals can be those associated with different users, located at any number of different locations, and which are able to connect, by the internet and a standard browser, to a server (27). Further, the Malik reference does not disclose the managing of the communications by using an Internet Web Browser. Accordingly, the Examiner points to the Nelson reference as

describing such a system and method of managing communications by using an Internet Web Browser, and such communications management at a single central processor or network server using the Internet Web Browser.

The Nelson reference describes a system and method for providing a telephone that can be coupled to a communications network, and that can include a processor, handset, memory and network interface (see Abstract). Specifically, the telephone is provided with a telephone-based, HyperText Transport Protocol server to allow the telephone to function when coupled with an Internet Protocol network. Each telephone is provided with an embedded web server, such that users can interact with the telephone using a web browser (see col. 4, lines 21-26). The operation of such telephones can then be processed via the call manager (see col. 3, lines 14-26, lines 47-49, and col. 3, line 66 to col. 4, line 1). In each case, the telephone establishes communication directly, or with the assistance of the call manager (see also, Fig. 1).

However, the Applicant recites a system and method wherein all the communications devices' inbound and outbound communications are initiated, received, controlled and managed by using the web browser communicating with a web services section of the single central processor or network server, that also provides the distinct communications channels (see for example, elements 16-22 of Fig. 1). Although there appears to be an interaction with the embedded web server in each of the IP telephone devices of the Nelson reference and the call manager for operation (see col. 6, lines 26-32), there is no disclosure of the embedded web servers of each IP phone or the call manager of Nelson managing all the inbound and outbound communications by using the *web browser* communicating with a *web services section of the single central processor* that also provides the *distinct communications channels* (see again for example, elements 16-22 of Fig. 1).

Specifically, the IP phone 22 is separate from the call manager 26, and there is no disclosure that either the IP phones or call manager of Nelson provide *distinct communications channels* as recited by the Applicant. Further, there is no disclosure that the web browser of each IP phone can control any other IP phone, or that the call manager manages all the inbound and outbound communications of the IP phones 22 by using the web

browser of the IP phones communicating with a web services section of the call manager. As such, the Applicant asserts that the Malik and Nelson references fail to describe at least a system and method wherein all the communications devices' inbound and outbound communications are initiated, received, controlled and managed by using the web browser of the device by communicating with a web services section of the single central processor or network server, that also provides the distinct communications channels.

Further, at least some calls of the IP telephones of the Nelson reference are performed using the call manager (see again, col. 3, lines 21-26), and other calls of the IP telephones are performed without using the call manager (see again, col. 3, lines 47-50, and col. 3, line 66 to col. 4, line 3). In doing so, neither the embedded web server of the IP phones, nor the call manager, serve to initiate, receive, control and manage *all* the communications devices' inbound and outbound communications. The control of at least some calls is handled in a manner *using the call manager*, and at least some calls are handled in a direct manner *without using the call manager*.

In response to the above arguments, the Examiner has stated in the Advisory Action of December 16, 2009, that elements of the above arguments are not found in the claims. Specifically, the Examiner has pointed to the arguments that the Applicant recites the system and method wherein the Communications Devices and/or Terminals can be those associated with different users, located at any number of different locations, and which are able to connect, by the internet and a standard browser, to a server, is not recited in the claims. Accordingly, the Applicant has amended independent claims 1 and 20 to more clearly recite such an exemplary embodiment of the present invention.

Specifically, the Applicant has amended the claims to recite the provision of a *plurality* of Communications Devices and/or Terminals for permitting users to transmit and receive synchronous and asynchronous communications, wherein all the *plurality* of Communications Devices and/or Terminals inbound and outbound communications are initiated, received, controlled and managed by using an Internet Web Browser communicating with a Web Services section (14) of the *single* central processor or Network

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Server (27) providing Communications Channels (16-22). This is not new matter, and is described throughout the specification (see for example, paragraphs 24-27).

The Examiner has also stated in the Advisory Action of December 16, 2009, that Nelson describes managing all the inbound and outbound communications by using the web browser communicating with a web services section of the single central processor that also provides the distinct communications channels. Specifically, the Examiner points to the recitation in Nelson of making calls 102 and using email 106 as describing distinct communication channels.

However, as noted above, at least some calls of the IP telephones of the Nelson reference are performed using the call manager (see again, col. 3, lines 21-26), and other calls of the IP telephones are performed without using the call manager (see again, col. 3, lines 47-50, and col. 3, line 66 to col. 4, line 3). In doing so, neither the embedded web server of the IP phones, nor the call manager, serve to initiate, receive, control and manage *all* the communications devices' inbound and outbound communications. The control of at least some calls is handled in a manner *using the call manager*, and at least some calls are handled in a direct manner *without using the call manager*.

As such, the Applicant asserts that the Malik and Nelson references fail to describe at least a system and method wherein all the plurality of communications devices' inbound and outbound communications are initiated, received, controlled and managed by using the web browser of the device by communicating with a web services section of the single central processor or network server, that also provides the distinct communications channels.

Therefore, for at least these reasons, the Applicant asserts that the Malik and Nelson references do not disclose or reasonably suggest, separately or in combination, each element as recited by the Applicant in independent claims 1 and 20 as amended, and respectfully requests the withdrawal of the rejection under 35 U.S.C. 103(a).

Regarding the remaining claims 2-13, 17-19, 21-28, 30, 31, and 35-38, the Examiner, in addition to the reasons stated above, further points to Malik and Nelson as disclosing the elements recited in each, such that the combination of the Malik and Nelson references purportedly render obvious the system and method as recited by the Applicant.

However, the Applicant asserts that the Malik and Nelson references do not disclose or reasonably suggest separately or in combination each element as recited by the Applicant in independent claims 1 and 20 as amended, from which claims 2-13, 17-19, 21-28, 30, 31, and 35-38 depend, and requests the withdrawal of the rejection under 35 U.S.C. 103(a) for the same reasons.

The Examiner has also maintained the rejection of claims 14-16 and 32-34 under 35 U.S.C. 103(a) as being unpatentable over Malik and Nelson, in view of U.S. Patent No. 6,141,411 of Robinson et al.

Specifically, the Examiner points to Malik and Nelson as disclosing the claimed invention with the exception of the system and method for searching and selecting the cheapest communications network for each communication. The Examiner points to Robinson as disclosing such a system and method, such that the combination of the Malik, Nelson and Robinson references purportedly render obvious the system and method as recited by the Applicant.

The Examiner has also maintained the rejection of claim 29 under 35 U.S.C. 103(a) as being unpatentable over Malik in view of Nelson and U.S. Patent Publication No. 2003/0041048 of Balasuriya (hereinafter Balasuriya). Specifically, the Examiner points to Malik and Nelson as disclosing the claimed invention with the exception of the system and method for communication via satellite. The Examiner points to Balasuriya as disclosing such a system and method, such that the combination of the Malik, Nelson and Balasuriya references purportedly render obvious the system as recited by the Applicant.

However, for the reasons stated above, the Applicant asserts that the Malik and Nelson references do not disclose or reasonably suggest, separately or in combination, each element as recited by the Applicant in independent claims 1 and 20 as amended, from which
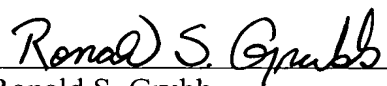
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claims 14-16, 29 and 32-34 depend. Accordingly, the Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. 103(a) of dependent claims 14-16, 29 and 32-34 for the same reasons.

Conclusion

In view of the above, it is believed that the application is in condition for allowance and notice to this effect is respectfully requested. Should the Examiner have any questions, the Examiner is invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

Ronald S. Grubb
Reg. No. 48,672
Attorney for Applicant

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Roylance, Abrams, Berdo & Goodman, L.L.P.
1300 19th Street, N.W., Suite 600
Washington, D.C. 20036
T: (202) 659-9076